

HOW TO ELIMINATE THE LEADING CAUSE OF RECIDIVISM

HOW THE STATE CAN REDUCE RECIDIVISM AND MAKE CONNECTICUT THE SAFEST STATE,
SATISFY THE PUBLIC, VICTIMS, AND OFFENDERS, AND SAVE MILLIONS AT THE SAME TIME

By Susan E. Frey,

With support from Peter Eastwood and Scott Eastwood

And assistance from William Eastwood

We are writing on behalf of our brother William Eastwood. We are not Sex offenders, (SOs), and I, Susan Eastwood, am a CT homeowner and long-time resident of Madison, CT. We do not believe William is an SO either, nor was he convicted of sex assault or a contact crime, yet we are on the receiving end of Connecticut's policies concerning SOs and can offer our humble opinions.

With eight more years of Special Parole my brother lives in a constant debilitating and toxic state of fear and anxiety¹ because he believes that no matter how hard he tries to satisfy his long list of special stipulations and conditions that he will be re-incarcerated at any moment as he was in 2009 for six additional years for writing a book² on realizing human potential.

Barack Obama says: *"Studies have shown that....every dollar spent on prison education saves four to five dollars on the cost of reincarceration, and inmates who participated in educational programs had 43% lower odds of recidivating."*³

¹ Studies show that this kind of anxiety and inability to get work because of excessive restrictive stipulations or stigma increases the risk of recidivism.

² And his articles on: Imminent ocean level rise, quantum biology, education reform, philosophy and CJS reform.

³ "The President's Role in Advancing Criminal Justice Reform." Commentary by Barack Obama. Jan 5, 2017. Citing: *LOIS M. DAVIS ET AL., RAND CORP., EVALUATING THE EFFECTIVENESS OF CORRECTIONAL EDUCATION: A META-ANALYSIS OF PROGRAMS THAT PROVIDE EDUCATION TO INCARCERATED ADULTS (2013).*

Yet our brother receives an additional six year term of incarceration because he took the initiative to educate himself and others.

The study we are citing here suggests that when the justice system is perceived to be unfair or abusive, that perception can double the likelihood of re-offense.⁴

This recidivism study found that: “the average risk of repeat offending for offenders reporting increased respect for police was less than half that for offenders who came away from the legal process reporting no change or a decrease in their respect for police.”⁵

***This increase in respect for a law enforcement agency is in fact an increase in the perceived legitimacy of the criminal justice system, which is an important factor in furthering compliance with the law.*⁶**

Integrity and a fair justice system will reduce recidivism more so than any other single thing the state can do.

Due to an ad hominem conviction in the original criminal trial, had there been a Restorative Justice option the state would have saved about 1.5 million, (based on a 2010 estimate putting annual incarceration costs at Brooklyn prison at \$50,000.00), and adding other expenses we’ve estimated. This breaks down to 1.1 million for the original conviction and \$400,000.00 for his six year penalty for exercising his First Amendment right of freedom of speech.

Multiply that number times hundreds or thousands of cases in Connecticut to see how much money the state can potentially save by adopting a restorative option.

In the words of a prosecutor: “Since the criminal justice system is a public mechanism, funded by the public and created for the welfare of the public, it is our obligation as citizens to demand its improvement and explore alternatives that have the potential to perform better—both in reducing crime and, eventually, the resources and funding they require. Restorative justice offers such an alternative.”⁷

⁴ Lawrence W. Sherman, Heather Strang & Daniel J. Woods, *Captains of Restorative Justice: Experience, Legitimacy and Recidivism by Type of Offence*, in RESTORATIVE JUSTICE IN CONTEXT, INTERNATIONAL PRACTICE AND DIRECTIONS 229 (Elmar G.M. Weitekamp & Kerner eds., 2003). Cited in *Justifying Restorative Justice*, pg. 369, 2005.

⁵*Id.* at 242.

⁶ *Id.* at 237.

⁷Zvi D. Gabbay, *Justifying Restorative Justice: A Theoretical Justification for the Use of Restorative Justice Practices*, *JOURNAL OF DISPUTE RESOLUTION*, pg. 364. The writer is a **former prosecutor** for the Tel Aviv District Attorney’s Office (Criminal Division) and is currently a **doctorate (JSD) candidate at Columbia University School of law.**

“Empirical evidence suggests that restorative processes, which empower crime victims, offenders and communities to take an active part in the formulation of the public response to crime, increase public trust in the justice system and may even reduce re-offense rates. [There are] two main theories of punishment that influence sentencing policies in most Western countries—retributivism and utilitarianism.... restorative justice does not contradict retribution and utility as theoretical justifications for penal sanctioning....restorative justice practices improve and promote society’s response to crime.”⁸

According to judicial spokesman of CT, Michael Lawlor: “Prison is the least effective, most costly way to hold people accountable for their crimes.”⁹

According to “Today’s Children in Tomorrow’s World,” and “Incarceration vs. Education,” both aired on CPTV in 2014: The US incarcerates a higher percentage of its citizens than any other country, and Connecticut puts more of its citizens in prison than any other state. [The numbers have changed some since then.]

“[T]he current criminal justice system is facing a serious problem that needs to be addressed. This deficiency was well-articulated by Darren Bush: The benefits of long-term incarceration will be outweighed by the costs under any analysis”.¹⁰

“[T]here is a general belief among scholars that the reduction in crime is the result of other social forces independent of the punitive legislation of the past two decades....

[Prison] teaches them to be obedient, but does not give them the tools to become self-governing and to take charge of their life in legitimate ways. It teaches them the virtues of manipulation and violence as means for problem solving and deprives them of the ability to cope peacefully with frustration and conflict. It is structured to dehumanize the inmates, denying them a sense of self-worth and self-respect and, in turn, the ability to respect others.”¹¹

⁸ *Id.* at 349.

⁹ **Michael Lawlor**, interview on “Newgate Prison,” aired on CPTV in 2014.

¹⁰ Darren Bush, *Law and Economics of Restorative Justice: Why Restorative Justice Cannot and Should Not Be Solely About Restoration* 2003 UTAH LAW REVIEW 439, at 456 (citing ROBERT COOTER & THOMAS ULEN, *LAW AND ECONOMICS* 46, 468 (3d ed. 2000)); Drake Bennett & Robert Kuttner, *Crime and Redemption*, THE AMERICAN PROSPECT, December 2003, at 2; Matthew Yglesias, *The Research Wars*, THE AMERICAN PROSPECT, December 2003, at 2 (quoting a slightly different estimate of approximately \$20,000-\$25,000 per year per inmate).

¹¹ HOWARD ZEHR, *CHANGING LENSES: A NEW FOCUS FOR CRIME AND JUSTICE* (1990).

I suggest a required class for all state employees affiliated with parole to learn a new policy of **restorative justice**,¹² which simply means to gauge all decisions according to one criterion—*how does this particular decision lead to the best long-term result for victim, community and offender?* How does it contribute to solving the underlying problem that caused one to offend? How is this decision positive for everyone?¹³

Sex Offenders, you may think, are to be treated harshly no matter what we or anyone here says. However, suppose you look at various studies as a result of what you have heard and conclude that when any group feels abused or treated unjustly their recidivism rate rises. Perhaps you personally want to respond appropriately, but the public demands harsh penalties for SOs and anything less is political suicide. What do you do? There is a perfect solution. Pass the problem to victims, community and offenders by letting them decide appropriate penalties through restorative justice and conferencing options. Let the public decide each case on an individual basis. When everyone participates in the justice process everyone is happy—community, politicians, peers, victims and offenders. It doesn't get any better than that. This is also the only sane option because by its very nature, restorative options solve whatever is the real underlying cause of any particular crime or offender's tendency to commit crime. Think of restorative justice as an alternative therapeutic option. One charged with a crime can go to trial or opt for the restorative justice procedure.

"It would not be difficult to integrate restorative justice into the current criminal justice system while preserving offenders' due process rights. The United States can succeed with restorative justice." Id. at 323.

If you want to be a hero, and make Connecticut a leader in criminal justice, you can.

Connecticut can become a leader and the envy of other states in criminal justice reform, as well as balance its budget and lower taxes if it embraces a policy of offering the restorative justice option in its CJS.

¹² This is a subject in my brother's writing for which he served six additional years in prison for trying to publish. He is still restricted in his freedom of speech while on SP. He humbly and respectfully requests help with this.

¹³Tina S. Ikpa, [Washington University Journal of Law & Policy](#), Volume 24, January 2007, Balancing Restorative Justice Principles and Due Process Rights in Order to Reform the Criminal Justice System, cites the Missouri Coalition for Restorative Justice: "Restorative justice does not aim to reduce due process rights or overhaul well-functioning justice systems. Integrating it into the American justice system would not necessitate a revamping of the Constitution. Indeed, its implementation is already taking place on American soil. It would take time and resources to make restorative justice more than an enigma to the American public, but some time spent rethinking and reforming the way crimes are handled in this country is a small price to pay for the probable increase in public feelings of security, and in the number of contributing members of society." *Id.* At 323